

REMARKS

In the Office Action dated July 11, 2005, claims 12-16, 41, 42, and 44 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,707,813 (Hasan) in view of U.S. Patent No. 6,804,224 (Schuster); claim 2 was rejected under § 103 over Hasan and Schuster in view of U.S. Patent No. 6,898,194 (Vedrine); claims 21 and 22 were rejected under § 103 over U.S. Patent No. 6,167,248 (Hamalainen) in view of Schuster.

Applicant acknowledges the allowance of claims 6, 9-11, 31, 32, 34-37, 39-40, and 43. Applicant further acknowledges the indication that claims 3, 4, 7, 8, 17-19, 23-28, and 45 would be allowable if rewritten into independent form. Claims 17, 23, and 45 have been rewritten into independent form, with their scope *unchanged*, to place these claims in condition for allowance.

A minor amendment has been made to claim 9 by striking duplicative language at lines 6-7 of claim 9. Note that the language at lines 6-9 repeats part of the language at lines 8-9 of claim 9. This amendment is made to improve the form of claim 9 and does not change its scope.

Claims 14, 16, 22, and 44 have been cancelled, without prejudice, to render the rejection of those claims moot.

It is respectfully submitted that claim 12 is not obvious over the asserted combination of Hasan and Schuster. As conceded by the Office Action, Hasan does not disclose communicating control signaling in a traffic channel of a wireless network. 7/11/2005 Office Action at 3. However, the Office Action relied upon Schuster as disclosing the communication of control signaling in a traffic channel of a wireless network. Specifically, the Office Action cited column 9, lines 31-33, of Schuster as teaching this feature. This cited passage refers to communication of DTMF signals and other control signals formatted as data packets for transport over the Internet 16. However, there is no teaching here of communicating any such DTMF signals or other control signals over a *traffic channel* of a *wireless network*. Therefore, even if Hasan and Schuster can be properly combined, the asserted combination of references does not teach or suggest all elements of claim 12. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 12.

Claim 15 has been amended from dependent form into independent form, with the scope of the claim remaining *unchanged*. Claim 15 is allowable over Hasan and Schuster for reasons similar to those of claim 12. Specifically, the hypothetical combination of Hasan and Schuster

fails to disclose or suggest sending a Session Initiation Protocol Bye message in a traffic channel of a wireless network. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 15 over Hasan and Schuster.

Independent claims 41 and 42 have been amended to recite that control signaling to set up or establish a packet-switched call is carried or communicated in a packet data traffic channel. As indicated by the Office Action on page 9 (with respect to claims 7, 9, 18, 19), this feature was deemed to be allowable.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0063US).

Respectfully submitted,

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